

No. 9/5/84-6Lab/11057.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s. Swastika Metal Works, Jagadhri :—

**IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA**

Reference No. 142 of 1985

between

**SHRI BALDEV RAM, WORKMAN AND THE MANAGEMENT OF M/S SWASTIKA METAL
WORKS, JAGADHARI**

Present:—

None for workman.

None for Respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of powers conferred,—*vide* clause (C) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Baldev Ram and Messrs Swastika Metal Works, Jagadhri to this Court. The terms of reference are as under :—

“Whether the order of termination of services of Shri Baldev Ram is just and according to law ? If not, to what relief is he entitled to?”

Shri Baldev Ram alleged that he was in the service of respondent as a Foreman and served the respondent for 2 years. His services were terminated in violation of provisions of section 25 (F) of Industrial Disputes Act, 1947. He has prayed for reinstatement with continuity in service and with full back wages.

Notice of this reference was served upon the respondent. Management appeared today. Shri Baldev Ram volunteered to make statement. His statement was recorded, he stated that he does not want to pursue this reference, so reference is dismissed as withdrawn, he preferred to continue with his petition under section 33-C-(2) of Industrial Disputes Act, 1947.

* V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endst. No. 2769, dated 20th November, 1985.

Forwarded (two copies) to the Financial Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/5/84-6Lab/11058.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Hans Raj-Mulakh Raj, Kalyan Nagar, Buria Gate, Jagadhri :—

**IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA**

Reference No. 397 of 1984

(Old No. 291 of 1982)

**SHRI VIJAY KUMAR, WORKMAN AND THE MANAGEMENT OF MESSRS HANS RAJ-
MULKH RAJ, KALYAN NAGAR, BURIA GATE, JAGADHARI**

Present:—

Shri Ashwani Kumar for workman.

None for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of his powers conferred,—*vide* clause (c) of sub-section (i) of section (10) of the Industrial Disputes Act, 1947 referred dispute between Shri Vijay Kumar, workman and the management of the Messrs Hans Raj, Mulakh Raj, Kalyan Nagar, Buria Gate, Jagadhri, to Labour Court, Faridabad. The terms of the reference were as under :—

Whether the termination of services of Shri Vijay Kumar, was justified and in order? If not, to what relief is he entitled to?

Shri Vijay Kumar alleged that he served the respondent for 1½ years. His services were terminated by the respondent on 18th August, 1982 in contravention of section 25 (F) of the Industrial Disputes Act, 1947. He has prayed for his re-instatement with continuity in service and with full back wages.

Notices of this application was served upon the respondent for 16th August, 1985, in spite of the service management absented *Ex parte* proceedings were taken up against the management.

Shri Vijay Kumar examined himself as A.W-1 supported his case on oath, he stated that his services were terminated by the management without issuing any notice to him, without making payment of his wages for the notice period and no compensation towards his retrenchment was paid to him.

I have heard the authorised representative of the workman and think that non issue of notice, non payment of wages towards the notice period and non payment of retrenchment compensation is an utter violation of 25 (F) of the Industrial Disputes Act, 1947. So the workman is entitled to his re-instatement with continuity in service and with full back wages. So I pass my award accordingly.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Dated the 19th November, 1985.

Endst. No. 2784, dated the 20th November, 1985

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

KULWANT SINGH,

Secretary to Government, Haryana,
Labour & Employment Department.

थम विभाग

आदेश

दिनांक 16 जनवरी, 1986-

सं० ओ०वि०/एफ०डी०/GGN/97-85/2242.—चूंकि हरियाणा के राज्यपाल को राय है कि (1) परिवहन आयुक्त, हरियाणा, चण्डीगढ़, (2) जनरल मैनेजर, हरियाणा रोडवेज़, रिवाड़ी के अधिक श्री लाल चन्द तथा उसके प्रबन्धकों के मध्य इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है;

और चूंकि हरियाणा के राज्यपाल विवाद को न्यायतिर्णय हेतु निर्दिष्ट करना बांछनीय समझते हैं;

इसलिए, श्री, औद्योगिक विवाद अधिनियम, 1947, को धारा 10 की उपधारा (1) के खंड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल इसके द्वारा सरकारी अधिसूचना सं. 5415-3-श्रम-68/15254, दिनांक 20 जून, 1978, के साथ पढ़ते हुए अधिसूचना सं. 11495-जी-श्रम-57/11245, दिनांक 7 फरवरी, 1958, द्वारा उक्त अधिसूचना को धारा 7 के अधीन गठित अप्स न्यायालय, फरीशावाद, को विवादग्रस्त या उससे सुसंगत या उससे सम्बन्धित नीचे लिखा मामला न्यायतिर्णय एवं पंचाट तोत मात्र में देने हेतु निर्दिष्ट करते हैं जोकि उक्त प्रबन्धकों तथा श्रमिक के बीच या तो विवादग्रस्त मामला है या विवाद से सुसंगत अथवा सम्बन्धित मामला है।

क्या श्री लाल चन्द की सेवाओं का समाप्त न्यायोचित तथा ठीक है? यदि नहीं, तो वह किस राहत का हूँवार है?